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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BARBARA A. WILHELM,
Plaintiff

v.

NO. 1:CV-01-1057

COMMONWEALTH OF PA.;
PENNSYLVANIA STATE POLICE;
COLONEL PAUL J. EVANKO,
COMMISSIONER; LIEUTENANT
COLONEL THOMAS K. COURY; and
CAPTAIN MICHAEL. D. SIMMERS,
Defendants

(JUDGE RAMBO)

FILED
HARRISBURG

APR 16 2002

MARY *RP* D'ANDREA, CLERK
PA. DEPUTY CLERK

DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Pursuant to Fed.R.Civ.P. 56 defendants hereby move for partial summary judgment on the grounds that there are no genuine issues of material fact and defendants' are entitled to judgment as a matter of law on the following claims: (1) all claims under the Pennsylvania Human Relations Act, Pa. Stat. Ann., tit. 43, §955 (Purdon's 1991); (2) all claims under the Whistleblower Law, Pa. Stat. Ann., tit. 43, §1421 *et seq.*; (3) all claims under the Equal Pay Act, 29 U.S.C. §206(d); (4) all claims against the individual defendants based on Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*; (5) all Title VII claims against the State Police based of the failure to promote plaintiff and based on her dismissal.

In support of this motion defendants rely on the docket and pleadings in this action and on the evidentiary material and memorandum of law they file with this motion.

WHEREFORE, defendants request the Court to grant summary judgment in their favor on: (1) all claims under the Pennsylvania Human Relations Act, Pa. Stat. Ann., tit. 43, §955 (Purdon's 1991); (2) all claims under the Whistleblower Law, Pa. Stat. Ann., tit. 43, §1421 *et seq.*; (3) all claims under the Equal Pay Act, 29 U.S.C. §206(d); (4) all claims against the individual defendants based on Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*; (5) all Title VII claims against the State Police based on the failure to promote plaintiff and based on her dismissal.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY:


SUSAN J. FORNEY
Chief Deputy Attorney General
I.D. No. 27744

Office of Attorney General
Litigation Section
15th Floor, Strawberry Square
Harrisburg, PA 17120
(717) 787-9831

DATED: April 16, 2002

CERTIFICATE OF NONCONCURRENCE

I hereby certify that plaintiff's counsel, Nathan C. Pringle, Jr., was contacted with regards to the foregoing motion. He does not concur.


SUSAN J. FORNEY
Chief Deputy Attorney General

CERTIFICATE OF SERVICE

I, SUSAN J. FORNEY, Chief Deputy Attorney General for the Commonwealth of Pennsylvania, hereby certify that on April 16, 2002, I caused to be served a copy of the foregoing document entitled **Defendants' Motion for Partial Summary Judgment**, by depositing same in the Untied States Mail, first class, postage prepaid, in Harrisburg, Pennsylvania upon the following:

**Nathan C. Pringle, Jr., Esquire
3601 N. Progress Avenue, Suite 200
Harrisburg, PA 17110**


**SUSAN J. FORNEY
Chief Deputy Attorney General
I.D. No. 27744**